

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

)	
In the Matter Of)	
)	
CITYNET OHIO, LLC)	
)	
Application for Global Authority)	File No. ITC-214-2003-_____
Pursuant to Section 214 of the)	
Communications Act of 1934, as amended,)	
to Operate as an International Facilities-based)	
and Resale Carrier Between the United States)	
and Various International Points)	
)	

APPLICATION

Citynet Ohio, LLC (“Citynet” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points.

I. THE APPLICANT

Citynet is a privately held limited liability corporation organized under the laws of the State of Delaware. Applicant is not a dominant foreign telecommunications carrier nor does it have any affiliation with a dominant foreign carrier in any country where it intends to provide services. Applicant has no affiliation with foreign carriers. Therefore, Applicant qualifies for a presumption of non-dominance under Section 63.10(a)(1) of the Commission’s Rules, 47 C.F.R. § 63.10(a)(1), and its application is eligible for streamlined processing pursuant to Section 63.12 of the Commission’s Rules, 47 C.F.R. § 63.12.

II. PUBLIC INTEREST CONSIDERATIONS

Citynet believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services. These benefits include competitive pricing and increased availability of a variety of innovative service options. Therefore, grant of this Application will further the public interest.

III. INFORMATION REQUIRED BY SECTION 63.18

Citynet submits the following information, as required by Section 63.18 of the Commission's Rules, in support of this Application:

- (a) Name, address and telephone number of Applicant:

Citynet Ohio, LLC
343 North Front Street
Columbus, Ohio 43215
Tel: (614) 827-7000
Fax: (614) 827-7010
- (b) Applicant is organized pursuant to the laws of the State of Delaware.
- (c) Correspondence concerning this application should be sent to:

Richard M. Rindler
Kathleen Greenan Ramsey
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 945-6922
Fax: (202) 424-7645
- (d) Citynet does not currently hold any Section 214 authorizations.
- (e) Citynet requests global Section 214 authority to operate as a facilities-based and resale international carrier pursuant to Sections 63.18(e)(1) and 63.18(e)(2), respectively, of the Commission's Rules. Citynet requests such authorization for all international routes authorized by the Commission. Citynet certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.
- (f) Citynet seeks Section 214 authorization to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.

- (g) Not applicable. Citynet is not requesting authorization for facilities pursuant to Section 63.18(e)(4) of the Commission's Rules.
- (h) Information regarding the 10% or greater direct or indirect shareholders of Applicant is as follows:

<u>Name/Address</u>	<u>% Held</u>	<u>Citizenship</u>	<u>Principal Business</u>
James Martin/ 113 Platinum Dr., Bridgeport, WV	85%	USA	Citynet ISP
James Hyland/ 465 Poth Road, Columbus, OH	15%	USA	H3 Construction

Applicant has no interlocking officers or directors with foreign carriers to report.


- (i) Citynet certifies that it is not a foreign carrier. Further, Citynet certifies that it is not affiliated with any foreign carriers that are currently licensed or are in the process of obtaining licenses to provide international services.
- (j) Citynet certifies that it is not seeking to provide international telecommunications services to any destination country to which sections 63.18 (j)(1)-(4) of the Commission's rules apply.
- (k) Not applicable. Citynet is not seeking to provide international telecommunications services pursuant to section 63.18(j)(1)-(4) of the Commission's Rules.
- (l) Not applicable. Applicant is not a foreign carrier nor is it affiliated with a foreign carrier.
- (m) Citynet qualifies for non-dominant treatment for the provision of all U.S. international telecommunications services pursuant to Section 63.10 of the Commission's Rules because Citynet is not a foreign carrier and is not affiliated with any foreign carriers.
- (n) Citynet certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route and Citynet will not enter into such agreements in the future.
- (o) Citynet certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862), that no party to its application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This Application qualifies for streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12, because sections 63.12(c)(1)-(4) do not apply to Applicant. Citynet therefore qualifies for the presumption of non-dominance under section 63.10(a)(1) of the Commission's Rules.

IV. **CONCLUSION**

For the reasons stated above, Citynet Ohio, LLC respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application.

Respectfully submitted,

CITYNET OHIO, LLC



Richard M. Rindler
Kathleen Greenan Ramsey
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Tel: (202) 945-6922
Fax: (202) 424-7645

Its Counsel

Dated: May 9, 2003

CERTIFICATION OF APPLICANT

On behalf of Citynet Ohio, LLC, I hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

CITYNET OHIO, LLC

By: 

Name: Duane C. Bennett

Title: Chief Operating Officer

Date: April 28, 2003